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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/779,455	02/09/2001	Tarun K. Dhar	056859/0115	6699
75	90 08/20/2002			
Bernhard D. Saxe FOLEY & LARDNER Washington Harbour 3000 K Street, N.W., Suite 500 Washington, DC 20007-5109			EXAMINER	
			NGUYEN, BAO THUY L	
			ART UNIT	PAPER NUMBER
<b>3</b> ,			1641	
			DATE MAILED: 08/20/2002 5	

Please find below and/or attached an Office communication concerning this application or proceeding.

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	Application No.	Applicant(s)			
	09/779,455	DHAR ET AL.			
Office Action Summary	Examiner	Art Unit			
	Bao-Thuy L. Nguyen	1641			
The MAILING DATE of this communication app Period for Reply	pears on the cover sheet w	vith the correspondence address			
A SHORTENED STATUTORY PERIOD FOR REPL THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.1 after SIX (6) MONTHS from the mailing date of this communication.  - If the period for reply specified above is less than thirty (30) days, a repl If NO period for reply is specified above, the maximum statutory period - Failure to reply within the set or extended period for reply will, by statute - Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).  Status	I36(a). In no event, however, may a ly within the statutory minimum of thi will apply and will expire SIX (6) MO a, cause the application to become A	reply be timely filed irty (30) days will be considered timely. NTHS from the mailing date of this communication. BANDONED (35 U.S.C. § 133).			
1) Responsive to communication(s) filed on <u>09</u>	February 2001 .				
2a) ☐ This action is <b>FINAL</b> . 2b) ☑ Th	nis action is non-final.				
3) Since this application is in condition for allow closed in accordance with the practice under Disposition of Claims					
4) Claim(s) 1-43 is/are pending in the application	n.				
4a) Of the above claim(s) is/are withdra	wn from consideration.				
5) Claim(s) is/are allowed.					
6) Claim(s) is/are rejected.					
7) Claim(s) is/are objected to.					
8)⊠ Claim(s) <u>1-43</u> are subject to restriction and/or	election requirement.				
Application Papers					
9) The specification is objected to by the Examine					
10)☐ The drawing(s) filed on is/are: a)☐ accepted or b)☐ objected to by the Examiner.					
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).					
11) The proposed drawing correction filed on is: a) approved b) disapproved by the Examiner.					
If approved, corrected drawings are required in reply to this Office action.  12) ☐ The oath or declaration is objected to by the Examiner.					
Priority under 35 U.S.C. §§ 119 and 120	Carrinton.				
13) Acknowledgment is made of a claim for foreign	n priority under 35 U.S.C.	8 119(a)-(d) or (f)			
a) ☐ All b) ☐ Some * c) ☐ None of:	r priority under 60 0.0.0.	3 110(4) (4) 51 (1).			
1.☐ Certified copies of the priority document	s have been received.				
2.☐ Certified copies of the priority document		Application No.			
3.☐ Copies of the certified copies of the prio application from the International Bu	rity documents have beer reau (PCT Rule 17.2(a)).	n received in this National Stage			
* See the attached detailed Office action for a list of the certified copies not received.					
<ul> <li>14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).</li> <li>a) ☐ The translation of the foreign language provisional application has been received.</li> </ul>					
15) Acknowledgment is made of a claim for domest	• •				
Attachment(s)					
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s)	5) 🔲 Notice of	Summary (PTO-413) Paper No(s) Informal Patent Application (PTO-152)			

Application/Control Number: 09/779,455

Art Unit: 1641

## Election/Restrictions

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1-21, drawn to an analytical device, classified in class 436, subclass 518, for example.
  - II. Claims 22-43, drawn to a method of making an analytical device, classified in class 427, subclass 338, for example.
- **2.** The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the product as claimed can be made by another and materially different process. The liquid can be spotted onto the absorbent body or can be applied to the absorbent body by inkjet printing.

- **3.** Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, and because the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.
- **4.** Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).
- **5.** Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the

Application/Control Number: 09/779,455

Art Unit: 1641

currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

**6.** Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bao-Thuy L. Nguyen whose telephone number is (703) 308-4243. The examiner can normally be reached on Monday - Wednesday from 9:00 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Long V. Le can be reached on (703) 305-3399. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-4242 for regular communications and (703) 308-3014 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0196.

Bao-Thuy L. Nguyer Primary Examiner Art Unit 1641

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August 19, 2002